

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

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MYRNA ADAMS
Plaintiff,

v.

THE AUTONOMOUS MUNICIPALITY
OF SAN JUAN, ET AL.,
Defendants.

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.
Civ. No. 98-1466 (PG)

O R D E R

Before the Court are Plaintiff's Motion to Vacate Judgment (Docket No. 40) and Defendant PREPA's Motion to Strike (Docket No. 42).

The Court entered a Judgment in this case granting a Motion to Dismiss under Fed.R.Civ.P. 41 on September 15, 2000. It is the plaintiff's contention, in a Motion filed on August 22, 2001 (Docket No. 40), that neither plaintiff nor any of her attorneys were aware of the pending Motion to Dismiss and therefore the judgment should be vacated. The Minute entry of the Status Conference held on June 29, 2000 reflects the existence of the Motion (Docket No. 35). If plaintiff had not received the motion, that was the opportunity to ask for it. Moreover, the Motion was filed on May 8, 2000 (Docket No. 32) and a Supplemental Motion was filed on June 26, 2000 (Docket No. 33).

The Court entered a judgment pursuant to its discretion under Fed.R.Civ.P. Rule 41, and that judgment stands, therefore plaintiff's

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Motion to Vacate the Judgment is **DENIED**.

Defendant PREPA's Motion to Strike is **GRANTED**, to the extent that this case is closed and therefore the Notice of Appearance was improvidently granted.

IT IS SO ORDERED.

San Juan, Puerto Rico, January 7, 2002


JUAN M. PEREZ-GIMENEZ
U.S. District Judge